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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,654	07/02/2003	Kazumi Shimada	02008.114001	5456
22511	7590	04/25/2007	EXAMINER	
OSHA LIANG L.L.P.			KE, PENG	
1221 MCKINNEY STREET			ART UNIT	
SUITE 2800			PAPER NUMBER	
HOUSTON, TX 77010			2174	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/25/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/612,654	Applicant(s) SHIMADA ET AL.	
	Examiner Peng Ke	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 5 and 8 - 16 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application* |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/2/03, 5/10/06, 7/24/06</u> . | 6) <input type="checkbox"/> Other: ____ |

Specification

The disclosure is objected to because of the following informalities: applicant needs to add a heading to the cross reference section of the specification.

Appropriate correction is required.

Allowable Subject Matter

Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Prior arts fail to disclose individually or in combination:” said entry word extract section requires an input of a decision command for search after two or more icons, among the plurality of icons displayed on the screen by said candidate icon display section, are selected, and display the entry word triggered by the input of the decision command for search” and in combination with other limitations.

Double Patenting

Non-Statutory

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection

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is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 15 are provisionally rejected on the ground of nonstatutory double patenting over claims 1 and 7 of copending Application No. 10,885,157. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

Claims 1 and 7 of copending application No. 10,885,157 recites all the limitations of claims 1 and 15 in this application with the addition limitation "said candidate icon display section divides the plurality of icons into at least two groups and separately displays them."

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However this limitation taught in Baker US Patent 7,076,738, (see Baker, col. 7, lines 45-65; Baker differentiate the displays between selected icons and unselected icon therefore, the two group of icons are displayed differently)

It would have been obvious to an artisan at the time of the invention to include the addition limitation with method of this application in order to allow users to further differentiate the two groups of icons.

Claims 14 and 16 provisionally rejected on the ground of nonstatutory double patenting over claims 1 of copending Application No. 10,885,157. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: These claims are so close in content that they both cover the same thing, despite a slight difference in wording.

Furthermore the addition limitation of "said candidate icon display section divides the plurality of icons into at least two groups and separately displays them" is taught in Baker US Patent 7,076,738, (see Baker, col. 7, lines 45-65; Baker differentiate the displays between selected icons and unselected icon therefore, the two group of icons are displayed differently)

It would have been obvious to an artisan at the time of the invention to include the addition limitation with method of this application in order to allow users to further differentiate the two groups of icons.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 8-10, and 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Stoakley US Patent 6,753,885.

As per claim 1, Stoakley teaches a problem solving support apparatus for supporting problem solving for electronic device users based on user input on how to use the device, the device comprising:

A related icon storage section which stores a plurality of icons, which are images having appearance conceptually associated with at least a part of an entry word, in association with the entry word which specifies problem solving functions of the electronic device; (see Stoakley, column 3, lines 30-50; Computer system is a storage section)

A candidate icon display section which displays at least a part of the plurality of icons that are candidates for accepting selections from outside on a screen; (see Stoakley; column 7, lines 60-column 8, lines 30; Stoakley's candidate icons allow user to correlate specific icon from out side of the screen) and

An entry word extract section which refers to said related icon storage section to extract the entry word and display the extracted entry word based on combinations of two or more icons when the two or more icons are selected from the icons on the screen displayed by said candidate icon display section. (see Stoakley; column 7, lines 60-column 8, lines 30; Designer may set a specific graphical representation for a specific control)

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As per claim 2, Stoakley teaches the problem solving support apparatus as claimed in claim 1, wherein said related icon storage section comprises:

An entry word storage section which stores a plurality of element words indicating concepts of the functions of the entry word in association with the entry words; (see Stoakley; column 12, lines 47-column 13, lines 17; Stoakley's system correlate icons with functional word or actions) and

A corresponding element word storage section which stores the icons having the appearance conceptually associated with the element word in association with each of the plurality of the element words, (see Stoakley; column 13, lines 1-17; The icon is an apparent that collocates represent with a function)and

Said entry word extract section refers to said corresponding element word storage section to extract the element word which corresponds to each of two or more icon refers to said entry word storage section to extract the entry word which corresponds to at least two element words among the element word from said entry word storage section, and displays the extracted entry word when the two or more icons are selected. (see Stoakley; column 13, lines 17-30; "Business theme" corresponds to all the image files within the business package.)

As per claim 3, Stoakley teaches the problem solving support apparatus as claimed in claim 2. Stoakley teaches wherein said corresponding element word storage section associates at least one of the element words with the plurality of icons and stores them. (see Stoakley; column 13, lines 17-30; "Business theme" is associated with all the image files within the business package.)

As per claim 4, Stoakley teaches the problem solving support apparatus as claimed in claim 3. Stoakley teaches wherein said corresponding element word storage section associates at least one of the icons with the plurality of element words and stores them. (see Stoakley; column 13, lines 10-20; Associating all the buttons with an “Image File” is associating an icon with a plurality of elements word, which are button types with different button names)

As per claim 5, Stoakley teaches the problem solving support apparatus as claimed in claim 2. Stoakley teaches an element word display section which displays the element word corresponding to the tentatively selected icon when the icon is tentatively selected. (see Stoakley; column 13, lines 1-15; The icon is temperately assigned to the function until another theme is selected)

As per claim 8, Stoakley teaches the problem solving support apparatus as claimed in claim 1. Stoakley further teaches comprising a candidate icon regulating section which refers to said related icon storage section to extract other icons which correspond to said entry word corresponding to the selected icon and receives selections of the other extracted icons when the icon is selected among the icons on the screen displayed by said candidate icon display section. (see Stoakley; column 13, lines 10-20; Associating all the buttons with an “Image File” is associating an icon with a plurality of elements word, which are button types with different button names)

As per claim 9, Stoakley teaches the problem solving support apparatus as claimed in claim 8. Stoakley teaches candidate icon regulating section displays the extracted icons excluding the other icons stored in said related icons storage section on the screen. (see

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Stoakley; column 13, lines 10-20; The unselected icons are not collocated to the function in question)

As per claim 10, Stoakley teaches the problem solving support apparatus as claimed in claim 8. Stoakley teaches the candidate icon regulating section distinguishes the extracted icons from the other icons stored in said related icon storage section and displays them on the screen. (see Stoakley; column 13, lines 10-20; The selected icon are highlighted)

As per claim 13, Stoakley teaches the problem solving support apparatus as claimed in claim 1. Stoakley teaches the apparatus further comprising:

An execution program group storage file which stores an execution program for executing the function for the problem solving which correspond to entry words specifying the functions of the electronic devices for the problem solving; (see Stoakley, column 3, lines 30-50; Computer system is a storage section) and

A processing section which refers to said execution program group storage file to execute the execution program corresponding to be specified entry words when an execution command for the displayed entry word is input. (see Stoakley, column 13, lines 1-15; Each action is a specific entry word that is executed when the related icon is selected)

As per claims 14 and 15 are rejected with same rational as claim 1. Supra.

As per claim 16 is rejected with the same rational as the combination of claim 1 and 8.

Supra.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoakley US Patent 6,753,885 in view of Kraft US Patent 6,487,424.

As per claim 11, Stoakley teaches the problem solving support apparatus as claimed in claim 1. However, Stoakley fail to teach said entry word extract section displays the entry word on the screen when the number of the extracted entry words is less than predetermined number.

Kraft teaches extract section displays the entry word on the screen when the number of the extracted entry words is less than predetermined number. (see Kraft, column 8 lines 10-30; Predetermination of the function after user has entered a few word less than the actual spelling of the word)

It would have been obvious to an artisan at the time of the invention to include Kraft's teaching with method of Stoakley in order to provide user with a more effective way to make an entry.

As per claim 12, Stoakley and Kraft teach the problem solving support apparatus as claimed in claim 11. Kraft further teaches said entry word extract section displays the entry word on the screen when the number of entry. (see Kraft, column 8 lines 10-30)

Conclusion

The following patents are cited to further show the state of the art with respect to icon entry system:

Sewell US Publication 2004/0054985: discloses a tool and notation for capturing and communicating enterprise and technology structures, processes, strategies, and concepts

Nitta US Patent 6,243,861: discloses an object-oriented visual program development system for handling program entity including preprocessing function and post processing sections.

Trveskov US Publication 2002/0140732: discloses a method, system and storage medium for an iconic language communication tool.

Guinan US Patent 6,022,222: discloses a icon language teaching system.

Baker US Patent 7,076,738: discloses computer device, method and article of manufacture for utilizing sequenced symbols to enable programmed application and command.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Peng Ke

Patent Examiner

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